

## REMARKS

Reconsideration of the claims, in light of the present amendment, is respectfully requested.

## **I. Status of the Claims**

Claims 1-10 and 24-33 are pending in this application.

Claims 1-10 and 24-27 have been allowed.

Claims 28 and 32 have been rejected.

Claims 29-31 and 33 have been objected to.

Claims 11-23 have been canceled without prejudice or disclaimer of the subject matter therein. Applicants reserve the right to file a divisional application.

Claims 6, 28 and 29 have been amended to correct for informalities with no new matter added.

## **II. Claim of Priority to PCT Application**

Applicants thank the Examiner for the acknowledgement of the claim of priority of PCT/DE02/01149 and DE 101 16 321.5. A certified translation of the international application is provided in accordance with 35 U.S.C. § 356(c) and filed herewith. The international application was pending at the time of filing the U.S. application.

### III. Amendments to the Drawings

The Examiner has objected to the drawings because the blocks in Figs. 3a and 3b must contain suitable legends. Applicants submit herewith formal drawings of Figs. 3a

and 3b including suitable legends. Applicants respectfully request the Examiner withdraw the objection to the drawings.

**IV. Amendments to the Specification**

The Examiner has objected to the Specification for informalities. The Specification has been amended to correct for such informalities. Applicants respectfully request the Examiner withdraw the objection to the Specification. The Specification has also been amended to correct for informalities not objected to by the Examiner. No new matter has been added.

**V. Allowable Subject Matter**

Applicants would like to thank the Examiner for the indication of the Allowable Subject Matter and the reasons set forth therein.

**VI. Objections to Claims 29-31 and 33 for Informalities**

The Examiner has objected to claims 29-31 and 33 for informalities. Claim 29 has been amended to correct the informalities. Applicants respectfully request the Examiner withdraw the objection to claims 29-31 and 33.


**IV. Rejection to the Claims under 35 U.S.C. § 112**

The Examiner has rejected claims 28 and 32 under 35 U.S.C. § 112, second paragraph as indefinite. Specifically, the Examiner contends that the recitation “an engine rpm-rate” in claim 28 is indefinite because it is unclear whether this is the same

## CONCLUSION

If there are any other issues remaining to be examined or believed to be resolved by a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

By   
Louis J. DelGuidice  
Registration No.: 47,522  
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7700  
(212) 753-6237 (Fax)  
Agent For Applicant